HOW TO FRAME EEO CLAIMS

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Fragmentation

- The breaking up of a complainant’s legal claim into separate factual allegations or incidents.

Fragmentation

- Compromises complainant’s ability to present an integrated and coherent claim
- Increases case inventories and workloads

What Is a Claim?

- An assertion of an unlawful employment practice or policy for which, if proven, there is a remedy under the federal equal employment statues.

Defining a Claim

- Two components to a claim
  - Employment practice or policy
  - Basis

Employment Practice or Policy

- Hiring
- Termination
- Promotion
- Granting leave

To Be Aggrieved…

- One must have suffered an actual injury
- An action that negatively affects a substantive term, privilege, or condition of employment
- Tangible harm

Timeliness Issues

- Distinguish between timely legal claims and supporting evidence
  - Continuing Violations
  - Evidence

Continuing Violations

- A series of related acts
- One or more fall within the limitation period
- Have a common theme

Continuing Violations

- Same officials involved
- Similar in nature
- Recurred or more isolated

Evidence

- Factual information
- Supports claim

Incidents Raised After Counseling

- Does it provide additional evidence offered to support the existing claim, but **does not raise a new claim** in and of itself…
  - Include the new incident in the investigation

Incidents Raised After Counseling

- Does it raise a new claim that is like or related to the claim(s) raised in the pending complaint...
  - Determine whether it adds to or clarifies the original claim, and/or could have reasonably been expected to grow out of the investigation of the original claim.
  - Amend complaint to include the new claim.

Incidents Raised After Counseling

- Does **not** add to or clarify the original claim, and/or could not have been reasonably expected to grow out of the investigation of the original claim…
  - A separate EEO complaint

Responsibility

- Evaluate issues and claims
- Determine how they should be treated